

**Rhode Island State Planning Council**  
**Approved Minutes of Thursday, May 14, 2015 Meeting**  
William E. Powers Building  
Conference Room A  
One Capitol Hill, Providence, RI

**I. ATTENDANCE**

**1. Members Present**

Mr. Michael DiBiase, Chair	Director, Rhode Island Department of Administration
Mr. Kevin Gallagher, Vice Chair	Governor's Office
Mr. Kevin Flynn, Secretary	Associate Director, Division of Planning
Mr. Robert Azar	Representing Bonnie Nickerson, Director, Providence Department of Planning and Development
Mr. Daniel Beardsley	Executive Director, RI League of Cities and Towns
Ms. Jeanne Boyle	President's Designee, RI League of Cities and Towns
Ms. Meredith Brady	Representing Peter Alviti Director, RI Department of Transportation
Ms. Barbara Cesaro	Representing Marion Gold, Executive Director, RI Office of Energy Resources
Ms. Sharon Conard-Wells	West Elmwood Housing Development Corporation
Mr. Roy Coulombe	Public Member
Mr. Grover Fugate	Executive Director, RI Coastal Resources Management Council
Mr. Terry Gray	Representing Janet Coit Director, RIDEM
Mr. Thomas Mullaney	RI Department of Administration, Budget Office
Mr. L. Vincent Murray	RILOCAT, Government Official Representative
Ms. Ana Novais	Representing Nicole Alexander-Scott, Director RI Department of Health
Ms. Amy Pettine	Representing Mr. Raymond Studley, RIPTA
Mr. Amy Rainone	Representing Ms. Barbara Fields, Executive Director Rhode Island Housing
Mr. John Trevor	Environmental Advocate
Mr. Michael Walker	Representing Stefan Pryor, Secretary of Commerce
Mr. Scott Wolf	Environmental Advocate

**2. Members Absent**

Ms. Jeanne Cola	Chair, RI Housing Resources Commission
Ms. Ana Cano-Morales	Public Member
Mr. Marcus Mitchell	Small Business Representative
Mr. M. James Riordan	Public Member
Mr. Samuel Shamoon	Governor's Designee

Public Member

Mr. Carlos Machado, Ex Officio, Advisory Participant Division Administrator, FHWA

### **3. Staff – Division of Planning**

Mr. Jared Rhodes

## Chief, Statewide Planning Program

Ms. Nancy Hess

## Supervising Planner, Statewide Planning

Mr. Paul Gonsalves

Senior Planner, Statewide Planning

Ms. Kimberly Crabill

## Executive Assistant, Statewide Planning

#### 4. Guests

Mr. Michael O'Connell

RI Resource Recovery Corp. (RIRRC)

Mr. Michael McGonagle

IT Planning, RI Resource Recovery Corp.

Mr. Dean Huff

Chief Financial Officer, RI Resource Recovery Corp.

Ms. Laurie Grandchamp

RI Department of Environmental Management

Ms. Sarah Kite-Reeves

Director of Recycling, RI Resource Recovery Corp.

## II. AGENDA ITEMS

## 1. Call to Order

Mr. Michael DiBiase called the meeting to order on May 14, 2015 at 9:04 a.m. Mr. DiBiase began the meeting by asking the members to introduce themselves.

**2. Public Comment on Agenda Items– *for informational purposes***

There were none.

3. **Approval of the March 13, 2015 Meeting Minutes – *for action***

Mr. DiBiase asked for a motion to approve the minutes of March 13, 2015. Mr. Kevin Gallagher moved to approve the minutes of March 13, 2015 as submitted. The motion was seconded by Mr. Grover Fugate. There being no discussion, the following members voted aye: Azar, Beardsley, Boyle, Brady, Cesaro, Conard-Wells, Coulombe, Flynn, Fugate, Gallagher, Gray, Mullaney, Murray, Novais, Pettine, Rainone, and Trevor. Chairman DiBiase abstained. There were no nay votes. Members Walker and Wolf were not present at this time.

#### 4. Rhode Island Comprehensive Solid Waste Management Plan Update – *for action*

Next, Mr. DiBiase introduced Ms. Nancy Hess, Supervising Planner at Statewide Planning and Mr. Michael O'Connell of RIRRC who presented on the history and current status of the project as summarized in the meeting materials and attached power point presentation. Instances where Council members engaged in discussion were as follows:

Mr. Trevor asked about the reasoning behind the legislation that prohibited the use of construction and demolition debris as alternate daily cover material. Mr. O'Connell responded that a large part of it appears to have been driven by perceived connections to odor complaints.

Mr. Beardsley asked how many years cell 6 would increase the life of the landfill. Mr. O'Connell responded that the 23 years left on the landfill included the phase 6 cell.

Mr. Wolf asked what the tipping fees are in CT and MA. Mr. O'Connell responded that there are no set statewide fees in those states but that regular market rates are generally around \$65/ton.

Mr. Murray asked Mr. O'Connell to confirm that the recent state construction and demolition debris prohibition increased costs which he subsequently did.

Mr. Murray next asked Mr. O'Connell to confirm that the law was a result of gas collection issues and asked if those issues had been addressed? Mr. O'Connell responded that that was his understanding.

Ms. Rainone asked if the commercial tip fee and the municipal tip fee would be universal? Mr. O'Connell responded that the goal is to have the commercial and municipal fees aligned.

Mr. Walker asked if it would be in the state's best interest to increase commercial rates to the point where we would be driving the material out of state and also asked if the increase would be for all commercial customers. Mr. O'Connell responded that he thought it was and that the increases would be applied to all, recognizing RIRRC's standard practice of providing a high volume discount rate.

In conclusion, Mr. Walker stated that he wanted to renew the concern that Commerce has had in the past about raising the commercial rates to the point that it becomes less competitive and more expensive for businesses to operate in Rhode Island. He further stated that "raising costs to move commercial business out of RI" is not necessarily appropriate wording for a state guide plan element. Mr. O'Connell agreed that the wording could and should be made clearer.

Mr. DiBiase asked if there were any further questions for Mr. O'Connell. There being none, Chairman DiBiase asked for a motion for the approval of the Solid Waste Management Plan. Mr. Trevor made the first motion to approve the plan and Mr. Walker seconded the motion. At this time Mr. DiBiase opened the floor for discussion on the motion.

Ms. Boyle commented that she supported the plan.

Mr. Trevor commented on the tragedy of the historical practice of the general assembly reallocating RIRRC cash balances to the general fund and noted that we probably wouldn't be in this position had that not been a practice.

Mr. Gray commented that RIRRC must be adequately funded in order to effectively support the management of RI's waste streams. It is very important that the operation be sustainable into the future. In addition he pointed out that language found on page 2.8 needed to be revised to reflect the fact that Railside Environmental Services in East Providence is not technically closed yet.

Mr. Beardsley next stated that City and Town officials do understand that something needs to be done to preserve the life of the landfill and sustain an effective and affordable way to preserve that finite resource. However, municipal officials do not agree with some of the plan's recommendations. Mr. Beardsley also stated that it is to the credit of RIRRC and Mr. Mike O'Connell that this process has been as transparent and inclusive as possible. Mr. Beardsley then reviewed the three main options available to the municipalities starting on 7/1/2017. In his opinion option 1 will be a major budget buster for 40% of RI Communities. Mr. Beardsley also stated that the last two options present major political ramifications for at least 66% of the state's communities. He then referenced the correspondence from his Board which was distributed to Council members (see attached) which acknowledges the League's opinion that there is no evidence to support the Corporation's position that their cash flow is negative and unsustainable beyond 2017.

Mr. Beardsley stated that an additional concern is how the issue gets resolved as he personally found the recommendations to be short sighted and not innovative. Mr. Beardsley gave additional background and asked why a phased-in approach that increased the fee \$11/year until July 2017 was not proposed as opposed to a one-time 2017 doubling of the cost. Mr. Beardsley's noted that in his opinion this would be a lot more palatable than a 103% increase in 24 hours.

In addition, Mr. Beardsley stated that he does not feel that the Draft addresses the problems that have been attributed to the landfill being in the situation it is today. For example, he mentioned that some communities have real problems with recycling, and much of their recycling ends up in the landfill because residents are not disposing of their materials correctly. In his opinion, nothing in the plan addresses this type of problem where tens of thousands of recyclables are going into the landfill.

In conclusion, Mr. Beardsley asked if the person who made the motion to accept the plan would amend it to include a one-month delay on the vote.

Mr. Trevor inquired to Mr. Beardsley, what would change in that one-month time frame that would be constructive in terms of moving this in a positive direction? Mr. Beardsley responded, in all frankness, he did not think there is time, nor inclination with those who created the plan to come up with alternate innovative approaches. Mr. Beardsley also noted that he did not commit cities and towns to pay a 33% increase over the next three years and that the reason for the request is that he was not convinced that the corporation's finances are as dire as Mr. O'Connell stated.

Mr. Flynn asked, what was to be gained in the month that could not be achieved in some other way over the next two years between now and the time at which the rate increase is to be implemented? Mr. Beardsley stated that he would be more comfortable with an alternative approach other than voting on a 103% tip fee increase, and may use the time to offer an alternative approach.

Ms. Conrad-Wells asked Mr. Beardsley why he was not asking for time to have the finances of the corporation probed into so that it would give him clarity about the need for raising the fees. Mr. Beardsley responded that if he was successful in accomplishing what he hoped to over the next thirty days his proposed solution would also address that concern.

Mr. Trevor asked Mr. Beardsley if the vote was tabled for thirty days and you were unsuccessful would you then vote to adopt the plan? Mr. Beardsley responded that he would not vote to adopt the plan, but would not ask for any further extensions.

Ms. Boyle asked Mr. Beardsley if he would find it more acceptable if the plan referenced a phase in of the Tip Fee increase. Mr. Beardsley responded that he was not suggesting that. Mr. Beardsley further commented that Ms. Boyle was alluding to the fact that \$65/ton is absolutely necessary and he was not sure that it is.

Mr. Flynn asked Mr. Beardsley if he was confident that RIRRC would provide rebates to the Cities and Towns if the increased TIP Fee produced surplus revenues. Mr. Beardsley answered that he was not, and stated that with all due respect to Mr. O'Connell he could provide numerous past examples of where the state had failed to live up to commitments that it had made to its Cities and Towns. In response, Mr. O'Connell stated that he was not making empty promises and that appropriate procedures would be integrated into the rulemaking.

Mr. DiBiase stated that he did not believe there was any political urgency for anyone to try and resolve this issue with any more certainty than currently contained in the Draft and asked if there were any further discussion on the plan.

In response, Mr. Murray echoed Mr. Beardsley's concerns about the \$65/ton figure and date of applicability being emblazoned in the Solid Waste Management Plan. In addition, he acknowledged that the plan is a policy document but also noted that policy and regulation are all part of the same stream flow.

Ms. Boyle commented that additional language should be added about enforcement and education regarding co-mingling of non-recyclables.

There being no further discussion, Mr. DiBiase called for a vote on the motion to approve the solid waste management plan. All those in favor stated aye which included Gallagher, Flynn, Boyle, Brady, Cesaro, Conard-Wells, Coulombe, Fugate, Gray, Mullaney, Novais, Rainone, Trevor, Wallker, and Wolf. All those opposed stated nay which included Beardsley and Murray. Representative Pettine was not present at this time and as such did not vote. Mr. Azar also was not present at the time. There being no further discussion the plan was approved.

5. **FY 16 Unified Transportation Planning Work Program** - *for discussion*

Given time constraints, Mr. DiBiase introduced Mr. Rhodes and asked that he give a brief overview of the Unified Transportation Planning Work Program process. Mr. Rhodes did so and concluded by committing to sending the full body of his planned presentation to the Council and by asking that they pay particular attention to section III and IV and get back to him as soon as possible with any questions, concerns, or additions that they may have.

6. **Associate Director's Report** – *for discussion*

Mr. Flynn addressed the following items under the Associate Director's report:

- Planning related bills currently before the General Assembly
- His appearance at the 4/9/2015 House Oversight Committee Meeting
- Status of the draft state energy plan
- The passing of former Director Licht's mother

7. **Adjourn**

Mr. DiBiase asked for a motion to adjourn. Council member Gallagher motioned to adjourn. The motion was seconded by Council member Novais. There being no further discussion, the following members voted aye: Beardsley, Boyle, Brady, Cesaro, Conard-Wells, Flynn, Fugate, Gray, Mullaney, Novais, Rainone, Trevor, Walker, Wolf. There were no nay votes or abstentions. Representative Pettine was not present at this time and as such did not vote. Mr. Azar also was not present at the time. The meeting adjourned at 10:40 a.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kevin Flynn", written in a cursive style.

Kevin Flynn  
Secretary